

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1801 of 2019

Arising Out of PS. Case No.-507 Year-2019 Thana- KESARIA District- East Champaran

Priyanka Kumari W/o Ved Kumar Resident of Village- Malahi Tola,
Sundrapur, P.O. Bijdhari Purbi Sundrapur, P.S.- Keshariya, District- East
Champaran at Motihari

... .. Petitioner

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari, District- East Champaran at Motihari.
3. The Superintendent of Police, East Champaran at Motihari, District East Champaran at Motihari.
4. The Station Head Officer, Keshariya, Police Station- District East Champaran at Motihari.
5. The Child Development Project Officer, Keshariya, District- East Champaran at Motihari.
6. The Ladies Supervisor, Keshariya Project, District- East Champaran at Motihari.
7. The Headmaster, Nationalized Middle School, Tukaulia (Balak), P.O., P.S. and Block- Turkaulia, District- East Champaran at Motihari.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
Mr. Anil Kumar, Advocate
For the Respondent/s : Mr.Ajay Kumar, A.C. to G.P.-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking quashing of
the First Information Report of Keshariya P.S. Case No. 507 of
2019 registered for the offences under Section 467, 468, 471,
420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the



First Information Report has been lodged at the instance of Child Development Project Officer, Keshariya only when this petitioner raised a grievance against the selection of the candidate standing at Sl. No. 2 in the merit list of the Anganwari Sahayika. In his submission the FIR has been lodged only to harass the petitioner and to stop her from raising the issue of illegal appointment made in the meeting of the Aam Sabha.

In order to ventilate his grievances learned counsel has drawn the attention of this Court towards the certificates enclosed at Annexure '1' to the writ application and the School Leaving Certificate at Annexure 'P-2' showing that the petitioner passed her VIIIth examination and had left the school on 31.03.2010. It is pointed out that Annexure '1' and Annexure '2' have been issued by the same Headmaster. Learned counsel submits that when Annexure '1' and Annexure '2' were sent for verification to the school concerned together with Letter No. 316 dated 15.11.2018 by the Child Development Project Officer, Keshariya, the Headmaster confirmed that the name of this petitioner appeared in the school Admission Register at Sl. No. 38. No adverse remarks were made in the letter sent to the Child Development Project Officer, Keshariya (Annexure 'P-4').

Learned counsel submits that surprisingly for no



rhyme and reason and there being no fresh letter seeking verification of the marksheet and certificates, the same Headmaster who issued Annexure 'P-3' sent a letter no. 22 dated 18.09.2019 i.e. after about 9 months from the date of Annexure 'P-3' and in his letter addressed to the Child Development Project Officer, Keshariya this time he alleged that the marksheet of Class VIII which was enclosed with the letter dated 15.11.2018 has not been issued by the school. This Annexure 'P-4' has been made basis for lodging of the FIR.

Learned counsel for the State submits that though the arguments of learned counsel for the petitioner seems impressive and prima facie the submissions made therein may be leading to impress this Court but this is not the stage where this Court sitting under Article 226 of the Constitution of India would compare the two documents in this jurisdiction and then will record a finding thereon.

It is his submission that the investigation of the case is still going on and if the petitioner brings all these documents to the notice of the Investigating Officer, it will be incumbent upon the Investigating Officer to look into those documents and after seeking necessary guidance from his supervising authority he may investigate the matter from these angles also. Learned



counsel submits that quashing of the FIR at this stage would neither be legal nor justified.

Having heard learned counsel for the petitioner and the State, this Court agrees with the submission of the learned counsel for the State. The two documents Annexure '3' and Annexure '4' have been pitted against each other and it is the contention of the petitioner that Annexure '3' is the correct certificate and is the genuine Class VIII marksheet of the petitioner and that what has been issued vide Annexure 'P-4' is only an attempt to harass the petitioner to get rid of her complaint against the appointment of the Anganwari Sahayika of the candidate standing at Sl. no. 2.

In the opinion of this Court, the veracity of the two documents cannot be examined by this Court at this stage sitting in its writ jurisdiction. The investigation is still going on and learned counsel for the State is correct in saying and this Court directs that if these materials are brought to the notice of the Investigating Officer he shall seek guidance of his supervising authority and shall proceed to examine the same as per the directions of the supervising authority. To that extent liberty is there to the petitioner to bring all these materials to the notice of the Investigating Officer and if the materials are brought to the



notice of Investigating Officer, he will seek further guidance in this regard from the supervising authority and shall carry on appropriate investigation in this regard.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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